

NYC Department of Correction

Secure Unit Compliance Audit – November 2017

In July 2017, the NYC Department of Correction (“Department”) commenced an audit of the Secure Unit related to the provisions of the NYC Board of Correction Minimum Standards §1-05 Lock-in and §1-08(f) Access to Courts and Legal Services, including Law Library. Pursuant to the Secure Unit variance renewal granted by the Board on November 14, 2017, the Department is permitted to reduce out-of-cell time afforded to a minimum of ten (10) hours a day and to provide Law Library services within the unit through the assignment of a Law Library Coordinator and the use of Law Library kiosks and typewriters.

Audit Parameters

As set forth in the Department’s June 9, 2017 compliance plan to the Board, the audit is conducted through a manual review of the housing area logbooks on four (4) random dates each month.

This audit report covers the following four (4) dates in the month of November 2017:

- November 7th
- November 15th
- November 21st
- November 30th

Additionally, on-site inspections of the Secure Unit kiosks and typewriters were conducted on four (4) random dates, listed below.

§1-05 Lock-in

A manual review of housing area logbooks was performed to determine whether ten (10), twelve (12) and fourteen (14) hours of out of cell time was afforded to young adults based on their phase. In addition, pursuant to the Secure Unit variance granted by the Board on November 14, 2017 and associated variance conditions, this audit report provides individualized data related to each young adults’ out-of-cell time during the reporting period.

§1-08(f) Access to Courts and Legal Services, including Law Library

A manual review of housing area logbooks was conducted to determine whether Law Library services were afforded. In addition to the logbook review, on-site inspections were completed to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

November On-site Inspections:

- November 8th
- November 17th
- November 24th
- November 30th

NYC Department of Correction

Secure Unit Compliance Audit – November 2017

Audit Findings

§1-05 Lock-in

All young adults in the Secure Unit are afforded lock-out hours based on their housing phase: ten (10) hours in Phase 1, twelve (12) hours in Phase 2, and fourteen (14) hours in Phase 3. On all four (4) dates institutional lock-out and lock-in was consistently recorded in the logbook for each of the phases.

The logbook also captures individualized data on an hourly basis related to each young adult's time in and out of their cell.

Phase 1

Young adults in Phase 1 are afforded ten (10) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 1, based on a manual review of the logbook, on the dates audited. The out-of-cell time is the hours each day that a young adult chooses to be out of his cell during institutional lock-out periods. The data reflects the young adults' present in the unit for all institutional lock outs on each audit date.¹

November 7, 2017

There were four (4) young adults in Phase 1. The out-of-cell times for those present on this audit date were:

1. 7 hours 52 mins
2. 6 hours 29 mins
3. 5 hours 21 mins

November 15, 2017

There were five (5) young adults in Phase 1; their out-of-cell times were:

1. 7 hours 47 mins
2. 7 hours 9 mins
3. 5 hours 53 mins
4. 9 hours 2 mins
5. 4 hours 10 mins

¹ On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. These young adults are not included in the out-of-cell time reporting.

NYC Department of Correction Secure Unit Compliance Audit – November 2017

November 21, 2017

There were five (5) young adults in Phase 1. The out-of-cell times for those present on this audit date were:

1. 6 hours 56 mins
2. 6 hours 37 mins
3. 7 hours 8 mins
4. 7 hours 52 mins

November 30, 2017

There were five (5) young adults in Phase 1. The out-of-cell times for those present on this audit date were:

1. 7 hours 44 mins
2. 8 hours 17 mins
3. 6 hours
4. 8 hours 2 mins

Phase 2

Young adults in Phase 2 are afforded twelve (12) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 2, based on a manual review of the logbook, on the audit dates. The out-of-cell time is the hours each day that a young adult chooses to be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for all institutional lock outs on each audit date.²

November 7, 2017

There was one (1) young adult in Phase 2; his out-of-cell time was 11 hours 42 mins.

There were no young adults in Phase 2 on the following two audit dates: **November 15th and November 21st.**

November 30, 2017

There was one (1) young adult in Phase 2; his out-of-cell time was 9 hours 20 mins.

Phase 3

Young adults in Phase 3 are afforded fourteen (14) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 3, based on a manual review of the logbook, on the audit dates. The out-of-cell time is the hours

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NYC Department of Correction Secure Unit Compliance Audit – November 2017

each day that a young adult chooses to be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for all institutional lock outs on each audit date.³

November 7, 2017

There were four (4) young adults in Phase 3. The out-of-cell times for those present on this audit date were:

1. 11 hours 23 mins
2. 9 hours 2 mins

November 15, 2017

There were three (3) young adults in Phase 3; their out-of-cell times were:

1. 10 hours 2 mins
2. 9 hours 53 mins
3. 11 hours 55 mins

November 21, 2017

There were three (3) young adults in Phase 3; their out-of-cell times were:

1. 12 hours 2 mins
2. 10 hours 29 mins
3. 11 hours 52 mins

November 30, 2017

There were two (2) young adults in Phase 3; their out-of-cell times were:

1. 9 hours 49 mins
2. 9 hours 19 mins

§1-08(f) Access to Courts and Legal Services, including Law Library

Law Library Coordinator

A manual review of the housing area logbooks reflected that the Law Library Coordinator was in the unit to provide assistance on all four (4) days audited.⁴ The duration of the Law Library Coordinator's time in the unit during the dates audited were in compliance with the provisions

³ On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. These young adults are not included in the out-of-cell time reporting.

⁴ This is evidenced by the Coordinator signing in and out of the logbook on each of the audit dates.

NYC Department of Correction

Secure Unit Compliance Audit – November 2017

of Minimum Standards. On average, on the dates audited, the Coordinator was in the unit for approximately three and half hours each day.

During the reporting period, on the dates audited eight (8) young adults were housed in Secure Unit. In addition, between two (2) to eight (8) young adults received assistance from the Coordinator.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period. On each of the four (4) dates, all the typewriters were operational and available for use. On three (3) of the four (4) audit dates, all four (4) of the kiosks were operational and available for use. On one (1) of the audit dates, all four (4) kiosks were out of service, due to a network connection issue which was resolved in a timely manner.

Audit Recommendations

There has been noted improvement in the recording of lock-in/lock-out, the provisions of law library services through the assistance of a Law Library Coordinator, and the availability of kiosks and typewriters. To facilitate and maintain this progress, the following recommendations are provided:

Lock-in/Lock-out

- Continue facility unit staff training on the use of the tracking logbook to ensure that all facility unit staff are knowledgeable on how to properly document institutional and individualized data.
- A Unit Captain should review the logbook at the end of each tour to ensure that lock-in/lock-out is recorded accurately and consistently, which shall be documented through a logbook entry. Based on such review, facility administration should address any issues identified.

Kiosks and Typewriters

- To facilitate the maintenance and operation of the typewriters and kiosks in the unit, instruct designated facility and Law Library staff to check on a daily basis that all typewriters and kiosks are operational. Additionally, when a typewriter or kiosk is identified in need of repair, facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.